

OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No: 09/063,289
Applicant: Réjean Gagné
Filed: April 21, 1998
For: SYSTEM AND METHOD FOR ACCESSING AND MANIPULATING
TIME-BASED DATA

Confirmation No.: 4185

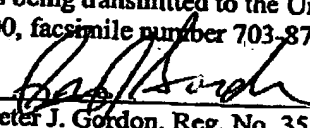
Art Unit: 2176
Examiner: William L. Bashore

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Docket No.: A1998034
Customer No.: 26643

MAY 05 2004**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being transmitted to the United States Patent and Trademark Office, Technology Center 2100, facsimile number 703-872-9306, on May 5, 2004.


Peter J. Gordon, Reg. No. 35,164

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY

Sir:

In response to the Office Action mailed December 5, 2003, the Applicant submits this Reply.

Applicant hereby petitions for a two-month extension of time to submit this Reply. Please charge the extension fee of \$420.00 to Deposit Account No. 50-0876.

Remarks begin on page 2, of which the Conclusion is on page 9.

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Serial No. 09/063,289
Reply Filed: May 5, 2004
Reply to Office Action of December 5, 2003

to the claim limitations. A reference teaches what it says to one of ordinary skill in the art, not a claim limitation. The collective teachings of the references are combinations of the teachings of the individual references that would have been suggested to one of ordinary skill in the art, not combinations of claim limitations. Only after one considers what the references collectively teach, *without reference to the claimed invention*, can one compare those collective teachings to properly construed claims. Note that MPEP 2143 also states that "*Finally*, the prior art . . . references *when combined* . . . must teach or suggest all the claim limitations." *MPEP Section 2143*. Thus, the Office Action is improper to the extent that the issue of what Hamakawa and Boezeman collectively teach is not separated from issues of claim construction and the application of the claim language to the prior art.

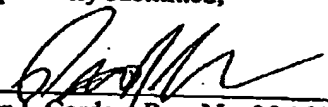
Accordingly, the combination proposed in the Final Office Action is improper and the rejection is traversed. Accordingly, the rejection of independent claims 1, 4 and 11 is traversed. The remaining claims are dependent claims that are allowable for the same reasons.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to Deposit Account No. 50-0876.

Respectfully submitted,

By: 
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